

By Senator Bracy

11-01546-22

20221218\_\_

1                                   A bill to be entitled  
2           An act relating to batterers' intervention programs;  
3           amending s. 741.325, F.S.; requiring the Department of  
4           Children and Families to certify and monitor specified  
5           batterers' intervention programs; requiring batterers'  
6           intervention programs to satisfy specified  
7           requirements for certification by the department;  
8           requiring programs to have certain safety measures in  
9           place; requiring programs to employ certain measures  
10          to hold batterers accountable for acts of domestic  
11          violence; providing requirements for program  
12          orientation and weekly group sessions; revising  
13          program content requirements; prohibiting programs  
14          from including specified elements and techniques;  
15          prohibiting programs from admitting batterers who have  
16          not paid the user fee, with an exception; requiring  
17          the department to annually review programs for  
18          compliance with certification requirements;  
19          authorizing the department to reject or suspend  
20          certification of a program for failure to comply with  
21          the requirements; requiring the department to annually  
22          provide a list of certified programs and to  
23          immediately notify the courts in this state if it  
24          suspends a program's certification; requiring the  
25          department to adopt specified rules; amending ss.  
26          741.281, 741.2902, 741.30, 741.31, and 948.038, F.S.;  
27          conforming provisions to changes made by the act;  
28          providing an effective date.  
29

11-01546-22

20221218\_\_

30 Be It Enacted by the Legislature of the State of Florida:

31  
32 Section 1. Section 741.325, Florida Statutes, is amended to  
33 read:

34 741.325 Certification requirements for batterers'  
35 intervention programs.—

36 (1) The Department of Children and Families shall certify  
37 and monitor batterers' intervention programs that provide direct  
38 intervention services to those persons who are adjudged to have  
39 committed an act of domestic violence as defined in s. 741.28,  
40 those against whom an injunction for protection against domestic  
41 violence is entered, those referred by the department, and those  
42 who voluntarily attend such programs.

43 (2) To be certified, a batterers' intervention program must  
44 meet all of the following requirements:

45 (a) The primary purpose of the program must ~~shall~~ be victim  
46 safety and the safety of children, if present. Safety measures  
47 must include, but need not be limited to, all of the following:

48 1. Coordination with the criminal justice system, domestic  
49 violence centers, social service agencies, and state and local  
50 governmental agencies.

51 2. A requirement that all program personnel undergo a level  
52 2 background screening in accordance with chapter 435.

53 a. Fees for state and federal fingerprint processing and  
54 retention must be borne by the applicant. The state cost for  
55 fingerprint processing must be as provided in s. 943.053(3)(e)  
56 for records provided to persons or entities other than those  
57 specified as exceptions therein.

58 b. Fingerprints submitted to the Department of Law

11-01546-22

20221218\_\_

59 Enforcement pursuant to this paragraph must be retained as  
60 provided in s. 435.12 and, when the Department of Law  
61 Enforcement begins participation in the program, must be  
62 enrolled in the Federal Bureau of Investigation's national  
63 retained fingerprint arrest notification program as provided in  
64 s. 943.05(4). Any arrest record identified must be reported to  
65 the department.

66 3. A prohibition on the employment of perpetrators of  
67 domestic violence as program personnel.

68 4. Requirements and procedures for victim notification when  
69 a batterer is enrolled in or discharged from the program.

70 5. Extensive recordkeeping requirements.

71 6. Written operating policies and manuals.

72 7. Rigorous facilitator credentialing procedures and  
73 continuing education requirements.

74 (b) The batterer must ~~shall~~ be held accountable for acts of  
75 domestic violence. The program must include measures that do all  
76 of the following:

77 1. Assign responsibility to batterers for their acts of  
78 domestic violence.

79 2. Provide a strategy to assist batterers in taking  
80 responsibility for their acts of domestic violence.

81 3. Improve batterers' ability to articulate and identify  
82 emotions.

83 4. Encourage batterers to develop critical thinking skills  
84 and healthier behavior patterns.

85 5. Teach batterers the effects domestic violence has on  
86 children.

87 6. Improve batterers' negotiation and conflict resolution

11-01546-22

20221218\_\_

88 skills.

89 7. Teach batterers communication skills and how to listen  
90 to others with empathy.

91 8. Challenge batterers' gender role expectations.

92 9. Educate batterers on the relationship between substance  
93 abuse and domestic violence.

94 10. Support the principle that domestic violence is  
95 primarily a learned behavior and is not a natural response to  
96 provocation.

97 11. Teach batterers how distorted thinking can affect a  
98 person's emotions and behavior.

99 (c) The program must ~~shall~~ be at least 29 weeks in length  
100 and include at least 24 weekly group sessions, plus appropriate  
101 intake, assessment, and orientation programming.

102 1. Orientation sessions must be at least 90 minutes in  
103 length, with breaks at appropriate intervals, and must include  
104 all of the following content:

105 a. The definition of domestic violence.

106 b. Statistics related to domestic violence.

107 c. An explanation of the cycle of abuse and introduction of  
108 the power and control wheel.

109 d. An overview of the program's rules and expectations.

110 e. An introduction to the program's content, which must  
111 include the dynamics of power and control in domestic violence;  
112 the effects of domestic violence on the victim, children, and  
113 others; and the connection between gender roles, socialization,  
114 and the nature of domestic violence.

115 2. Each weekly group session must be at least 90 minutes in  
116 length, with breaks at appropriate intervals. A group session

11-01546-22

20221218\_\_

117 must consist of at least 3 participants and a maximum of 24  
118 participants with 2 facilitators or a maximum of 15 participants  
119 with 1 facilitator. A program may accept new participants into  
120 the weekly group sessions on an ongoing basis. However, programs  
121 must ensure that all participants of a group session are of the  
122 same gender.

123 3. If a participant in the group session is not fluent in  
124 the English language, at least one facilitator must be able to  
125 translate or effectively communicate in the participant's native  
126 language. A program may not allow a person who is not affiliated  
127 with the program to serve as an interpreter for a participant  
128 during a group session.

129 (d) The program content must ~~shall~~ be based on a cognitive  
130 behavioral therapy model or an intervention psychoeducational  
131 model that recognizes the use ~~addresses tactics~~ of power and  
132 control tactics by one person to inflict emotional or physical  
133 abuse on ~~over~~ another. The program content must be submitted to  
134 the department at the time of application for certification for  
135 review of compliance with program standards under this section.  
136 The program content may not include any of the following:

137 1. Couples, marriage, or family therapy or any technique  
138 that requires victim participation.

139 2. Anger management techniques that identify anger as the  
140 cause of domestic violence.

141 3. Identification of poor impulse control as a primary  
142 cause of domestic violence.

143 4. Identification of psychopathology on the part of the  
144 perpetrator or the victim as a primary cause of domestic  
145 violence.

11-01546-22

20221218\_\_

146 5. Instruction on fair fighting techniques.

147 6. Any other content the department deems inappropriate for  
148 the program.

149 (e) The program must ~~shall~~ be funded by user fees paid by  
150 the batterers who attend the program, which allows them to take  
151 responsibility for their acts of violence. An exception must  
152 ~~shall~~ be made for local, state, or federal programs that fund  
153 batterers' intervention programs in whole or in part. The  
154 program may not admit a batterer into the program until he or  
155 she has paid the user fee. However, the program may not refuse  
156 to admit a batterer into the program if the batterer has been  
157 deemed indigent by the court and is unable to pay the user fee.

158 (3) ~~(2)~~ The requirements of this section apply only to  
159 programs that address the perpetration of violence between  
160 intimate partners, spouses, ex-spouses, or those who share a  
161 child in common or who are cohabitants in intimate relationships  
162 for the purpose of exercising power and control by one over the  
163 other. It will endanger victims if courts and other referral  
164 agencies refer family and household members who are not  
165 perpetrators of the type of domestic violence encompassed by  
166 these requirements. Accordingly, the court and others who make  
167 referrals should refer perpetrators only to programming that  
168 appropriately addresses the violence committed.

169 (4) The department shall annually review certified  
170 batterers' intervention programs to ensure that they continue to  
171 meet the requirements of this section. The department may reject  
172 or suspend certification of a program if it fails to meet the  
173 requirements of this section.

174 (5) The department shall annually provide to the courts in

11-01546-22

20221218\_\_

175 this state a list of certified batterers' intervention programs  
176 and immediately notify the courts of any suspension of a  
177 certified batterers' program.

178 (6) The department shall adopt rules to implement this  
179 section, including, at a minimum, all of the following:

180 (a) Procedures related to the development of criteria for  
181 the approval, suspension, or rejection of certification of  
182 batterers' intervention programs.

183 (b) The programs' purpose, policies, and standards of care.

184 (c) The intervention approaches considered appropriate for  
185 use by the programs.

186 (d) Policies addressing conflicts of interest and ethical  
187 standards.

188 (e) Curriculum and assessments for the programs.

189 (f) The qualifications of providers and credentials for  
190 program facilitators, supervisors, and trainees.

191 (g) The standards for program operations, including  
192 administrative, personnel, and fiscal operations.

193 (h) Record maintenance and retention policies for victim  
194 and batterer records.

195 (i) Procedures for educating, evaluating, and referring  
196 program participants for treatment.

197 Section 2. Section 741.281, Florida Statutes, is amended to  
198 read:

199 741.281 Court to order batterers' intervention program  
200 attendance.—If a person is found guilty of, has adjudication  
201 withheld on, or pleads nolo contendere to a crime of domestic  
202 violence, as defined in s. 741.28, that person must ~~shall~~ be  
203 ordered by the court to a minimum term of 1 year's probation and

11-01546-22

20221218\_\_

204 the court shall order that the defendant attend and complete a  
205 batterers' intervention program certified under s. 741.325 as a  
206 condition of probation. The court must impose the condition of  
207 the batterers' intervention program for a defendant under this  
208 section, but the court, in its discretion, may determine not to  
209 impose the condition if it states on the record why a batterers'  
210 intervention program might be inappropriate. The court must  
211 impose the condition of the batterers' intervention program for  
212 a defendant placed on probation unless the court determines that  
213 the person does not qualify for the batterers' intervention  
214 program pursuant to s. 741.325. The imposition of probation  
215 under this section does not preclude the court from imposing any  
216 sentence of imprisonment authorized by s. 775.082.

217 Section 3. Paragraph (g) of subsection (2) of section  
218 741.2902, Florida Statutes, is amended to read:

219 741.2902 Domestic violence; legislative intent with respect  
220 to judiciary's role.-

221 (2) It is the intent of the Legislature, with respect to  
222 injunctions for protection against domestic violence, issued  
223 pursuant to s. 741.30, that the court shall:

224 (g) Consider requiring the perpetrator to complete a  
225 batterers' intervention program certified under. ~~It is preferred~~  
226 ~~that such program meet the requirements specified in s. 741.325.~~

227 Section 4. Paragraph (b) of subsection (3) and paragraphs  
228 (a) and (e) of subsection (6) of section 741.30, Florida  
229 Statutes, are amended to read:

230 741.30 Domestic violence; injunction; powers and duties of  
231 court and clerk; petition; notice and hearing; temporary  
232 injunction; issuance of injunction; statewide verification



11-01546-22

20221218\_\_

233 system; enforcement; public records exemption.-

234 (3)

235 (b) The sworn petition shall be in substantially the  
236 following form:

237

238 PETITION FOR  
239 INJUNCTION FOR PROTECTION  
240 AGAINST DOMESTIC VIOLENCE

241

242 Before me, the undersigned authority, personally appeared  
243 Petitioner ...(Name)..., who has been sworn and says that the  
244 following statements are true:

245 (a) Petitioner resides at: ...(address)...

246 (Petitioner may furnish address to the court in a separate  
247 confidential filing if, for safety reasons, the petitioner  
248 requires the location of the current residence to be  
249 confidential.)

250 (b) Respondent resides at: ...(last known address)...

251 (c) Respondent's last known place of employment: ...(name  
252 of business and address)...

253 (d) Physical description of respondent:.....

254 Race.....

255 Sex.....

256 Date of birth.....

257 Height.....

258 Weight.....

259 Eye color.....

260 Hair color.....

261 Distinguishing marks or scars.....

11-01546-22

20221218\_\_

262 (e) Aliases of respondent:.....

263 (f) Respondent is the spouse or former spouse of the  
264 petitioner or is any other person related by blood or marriage  
265 to the petitioner or is any other person who is or was residing  
266 within a single dwelling unit with the petitioner, as if a  
267 family, or is a person with whom the petitioner has a child in  
268 common, regardless of whether the petitioner and respondent are  
269 or were married or residing together, as if a family.

270 (g) The following describes any other cause of action  
271 currently pending between the petitioner and respondent:.....

272 .....

273 The petitioner should also describe any previous or pending  
274 attempts by the petitioner to obtain an injunction for  
275 protection against domestic violence in this or any other  
276 circuit, and the results of that attempt:.....

277 .....

278 Case numbers should be included if available.

279 (h) Petitioner is either a victim of domestic violence or  
280 has reasonable cause to believe he or she is in imminent danger  
281 of becoming a victim of domestic violence because respondent  
282 has: ... (mark all sections that apply and describe in the spaces  
283 below the incidents of violence or threats of violence,  
284 specifying when and where they occurred, including, but not  
285 limited to, locations such as a home, school, place of  
286 employment, or visitation exchange)...

287 .....

288 .....

289 ...committed or threatened to commit domestic violence  
290 defined in s. 741.28, Florida Statutes, as any assault,

11-01546-22

20221218\_\_

291 aggravated assault, battery, aggravated battery, sexual assault,  
292 sexual battery, stalking, aggravated stalking, kidnapping, false  
293 imprisonment, or any criminal offense resulting in physical  
294 injury or death of one family or household member by another.

295 With the exception of persons who are parents of a child in  
296 common, the family or household members must be currently  
297 residing or have in the past resided together in the same single  
298 dwelling unit.

299       ...previously threatened, harassed, stalked, or physically  
300 abused the petitioner.

301       ...attempted to harm the petitioner or family members or  
302 individuals closely associated with the petitioner.

303       ...threatened to conceal, kidnap, or harm the petitioner's  
304 child or children.

305       ...intentionally injured or killed a family pet.

306       ...used, or has threatened to use, against the petitioner  
307 any weapons such as guns or knives.

308       ...physically restrained the petitioner from leaving the  
309 home or calling law enforcement.

310       ...a criminal history involving violence or the threat of  
311 violence (if known).

312       ...another order of protection issued against him or her  
313 previously or from another jurisdiction (if known).

314       ...destroyed personal property, including, but not limited  
315 to, telephones or other communication equipment, clothing, or  
316 other items belonging to the petitioner.

317       ...engaged in any other behavior or conduct that leads the  
318 petitioner to have reasonable cause to believe he or she is in  
319 imminent danger of becoming a victim of domestic violence.

11-01546-22

20221218\_\_

320 (i) Petitioner alleges the following additional specific  
321 facts: ...(mark appropriate sections)...

322 ....A minor child or minor children reside with the  
323 petitioner whose names and ages are as follows:

324

325 ....Petitioner needs the exclusive use and possession of  
326 the dwelling that the parties share.

327 ....Petitioner is unable to obtain safe alternative housing  
328 because:

329

330 ....Petitioner genuinely fears that respondent imminently  
331 will abuse, remove, or hide the minor child or children from  
332 petitioner because:

333

334 (j) Petitioner genuinely fears imminent domestic violence  
335 by respondent.

336 (k) Petitioner seeks an injunction: ...(mark appropriate  
337 section or sections)...

338 ....Immediately restraining the respondent from committing  
339 any acts of domestic violence.

340 ....Restraining the respondent from committing any acts of  
341 domestic violence.

342 ....Awarding to the petitioner the temporary exclusive use  
343 and possession of the dwelling that the parties share or  
344 excluding the respondent from the residence of the petitioner.

345 ....Providing a temporary parenting plan, including a  
346 temporary time-sharing schedule, with regard to the minor child  
347 or children of the parties which might involve prohibiting or  
348 limiting time-sharing or requiring that it be supervised by a

11-01546-22

20221218\_\_

349 third party.

350       ...Establishing temporary support for the minor child or  
351 children or the petitioner.

352       ...Directing the respondent to participate in a batterers'  
353 intervention program certified under s. 741.325, Florida  
354 Statutes.

355       ....Providing any terms the court deems necessary for the  
356 protection of a victim of domestic violence, or any minor  
357 children of the victim, including any injunctions or directives  
358 to law enforcement agencies.

359       (6) (a) Upon notice and hearing, when it appears to the  
360 court that the petitioner is either the victim of domestic  
361 violence as defined by s. 741.28 or has reasonable cause to  
362 believe he or she is in imminent danger of becoming a victim of  
363 domestic violence, the court may grant such relief as the court  
364 deems proper, including an injunction:

365           1. Restraining the respondent from committing any acts of  
366 domestic violence.

367           2. Awarding to the petitioner the exclusive use and  
368 possession of the dwelling that the parties share or excluding  
369 the respondent from the residence of the petitioner.

370           3. On the same basis as provided in chapter 61, providing  
371 the petitioner with 100 percent of the time-sharing in a  
372 temporary parenting plan that remains in effect until the order  
373 expires or an order is entered by a court of competent  
374 jurisdiction in a pending or subsequent civil action or  
375 proceeding affecting the placement of, access to, parental time  
376 with, adoption of, or parental rights and responsibilities for  
377 the minor child.

11-01546-22

20221218\_\_

378           4. On the same basis as provided in chapter 61,  
379 establishing temporary support for a minor child or children or  
380 the petitioner. An order of temporary support remains in effect  
381 until the order expires or an order is entered by a court of  
382 competent jurisdiction in a pending or subsequent civil action  
383 or proceeding affecting child support.

384           5. Ordering the respondent to participate in treatment,  
385 intervention, or counseling services to be paid for by the  
386 respondent. When the court orders the respondent to participate  
387 in a batterers' intervention program certified under s. 741.325,  
388 the court, or any entity designated by the court, must provide  
389 the respondent with a list of batterers' intervention programs  
390 from which the respondent must choose a program in which to  
391 participate.

392           6. Referring a petitioner to a certified domestic violence  
393 center. The court must provide the petitioner with a list of  
394 certified domestic violence centers in the circuit which the  
395 petitioner may contact.

396           7. Awarding to the petitioner the exclusive care,  
397 possession, or control of an animal that is owned, possessed,  
398 harbored, kept, or held by the petitioner, the respondent, or a  
399 minor child residing in the residence or household of the  
400 petitioner or respondent. The court may order the respondent to  
401 have no contact with the animal and prohibit the respondent from  
402 taking, transferring, encumbering, concealing, harming, or  
403 otherwise disposing of the animal. This subparagraph does not  
404 apply to an animal owned primarily for a bona fide agricultural  
405 purpose, as defined under s. 193.461, or to a service animal, as  
406 defined under s. 413.08, if the respondent is the service

11-01546-22

20221218\_\_

407 animal's handler.

408 8. Ordering such other relief as the court deems necessary  
409 for the protection of a victim of domestic violence, including  
410 injunctions or directives to law enforcement agencies, as  
411 provided in this section.

412 (e) An injunction for protection against domestic violence  
413 entered under this section, on its face, may order that the  
414 respondent attend a batterers' intervention program certified  
415 under s. 741.325 as a condition of the injunction. Unless the  
416 court makes written factual findings in its judgment or order  
417 which are based on substantial evidence, stating why batterers'  
418 intervention programs would be inappropriate, the court must  
419 ~~shall~~ order the respondent to attend a batterers' intervention  
420 program if:

421 1. It finds that the respondent willfully violated the ex  
422 parte injunction;

423 2. The respondent, in this state or any other state, has  
424 been convicted of, had adjudication withheld on, or pled nolo  
425 contendere to a crime involving violence or a threat of  
426 violence; or

427 3. The respondent, in this state or any other state, has  
428 had at any time a prior injunction for protection entered  
429 against the respondent after a hearing with notice.

430 Section 5. Subsection (5) of section 741.31, Florida  
431 Statutes, is amended to read:

432 741.31 Violation of an injunction for protection against  
433 domestic violence.—

434 (5) Whether or not there is a criminal prosecution under  
435 subsection (4), the court shall order the respondent to attend a

11-01546-22

20221218\_\_

436 batterers' intervention program certified under s. 741.325 if it  
437 finds a willful violation of a domestic violence injunction,  
438 unless the court makes written factual findings in its judgment  
439 or order which are based on substantial evidence, stating why a  
440 batterers' intervention program would be inappropriate.

441 Section 6. Section 948.038, Florida Statutes, is amended to  
442 read:

443 948.038 Batterers' intervention program as a condition of  
444 probation, community control, or other court-ordered community  
445 supervision.—As a condition of probation, community control, or  
446 any other court-ordered community supervision, the court shall  
447 order a person convicted of an offense of domestic violence, as  
448 defined in s. 741.28, to attend and successfully complete a  
449 batterers' intervention program certified under s. 741.325  
450 unless the court determines that the person does not qualify for  
451 the batterers' intervention program under ~~pursuant to~~ s.  
452 741.325. The offender must pay the cost of attending the  
453 program.

454 Section 7. This act shall take effect July 1, 2022.